

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

BROADFORDING CHURCH OF THE BRETHERN *
Appellant *

Appeal No. AP2008-055

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OPINION

This action is a request for a variance to allow the placement of a second freestanding identification sign and to allow the sign to face adjoining Rural Village properties. The subject property is located at 14010 Greencastle Pike, Hagerstown, Maryland, is owned by the Appellant, and is zoned Rural Village.

A public hearing was held before the Board on November 5, 2008. The Appellant offered evidence and testimony in support of the appeal. No opposition was presented to this appeal.

FINDINGS OF FACT

The following findings of fact are made by the Board, based upon the testimony given and all data and other evidence presented, and upon a study of the specific property involved, as well as the neighborhood:

1. Appellant proposes placement of a second freestanding sign to identify the use of the property.
2. The proposed sign will be 30' from the curb and will be 8'6" from the ground.
3. The sign will be double-sided and will be set perpendicular to the roadway.
4. The sign will be internally lit between the hours of approximately 6-11 p.m.
5. The sign will not impede sight distances or otherwise impair motorists' safety.
6. No one opposed this request.

RATIONALE

This Board has authority to grant a variance upon a showing by the Appellant of practical difficulty or undue hardship. Sections 25.2(c) and 25.56, Zoning Ordinance for Washington County, Maryland. "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(a).

The proposed use is a reasonable and permitted use of the property. Strict compliance with the Ordinance's requirements would unreasonably hinder identification of the property to passing motorists. No evidence was presented that the proposed sign was incompatible with the neighborhood; disruptive of neighbors' quiet enjoyment of their properties; detrimental to surrounding property values; generative of excessive odors, dust, gas, smoke, fumes, vibrations, or glare; generative of traffic that would exceed the capacity of existing infrastructure; or that the proposal was an inappropriate use of land or structure. For these reasons, we believe that granting this variance observes the spirit of the Ordinance.

Based upon all of the testimony and evidence presented, this Board finds that the subject request does not adversely affect the public health, safety, security, morals, or general welfare, nor does it result in dangerous traffic conditions, or jeopardize the life and property of neighborhood residents. Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED by a 5-0 vote.

Issued December 5, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair